

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

MICHAEL THOMAS WEISS,

Plaintiff,

V.

CITY OF TALLADEGA, *et al.*,

Defendants.

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4:06-cv-01264-WMA

## MEMORANDUM OF OPINION

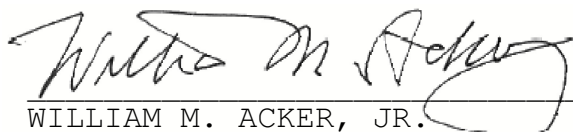
The magistrate judge filed a report and recommendation on September 20, 2006, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The plaintiff filed objections to the report and recommendation on October 4, 2006. (Doc. 7). Those objections also included a motion for additional time to obtain counsel and to further respond. On October 16, 2006, the plaintiff was granted an additional thirty days to respond to the report and recommendation. On November 13, 2006, the plaintiff filed a Motion to Set Trial (doc. 9) which contains further objections to the report and recommendation.<sup>1</sup>

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED** and the recommendation is

<sup>1</sup> Because the court finds that this matter is due to be dismissed, the plaintiff's motion to set trial (doc. 9) is **DENIED** as moot.

**ACCEPTED.** Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). A Final Judgment will be entered.

**DATED** this 11th day of January, 2007.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE